

*Crotty/JT*UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE CROTTY

NAOMI JOHANNES, individually and on behalf of her infant grandchildren, SIMONE DOMENICK and BRANDYN AGUILAR,

Plaintiffs,

-against-

THE ADMINISTRATION FOR CHILDREN'S SERVICES, JOHN MATTINGLY, individually and as Commissioner of the Administration for Children's Services, BERTINA CAPIUANO, individually and as the ACS Bronx County Borough Director, OMO ESERE, individually and as a ACS supervisor, DOROTHY L. BAKER, individually and as ACS Supervisor, SHARON SIMMONS, individually and as ACS caseworker, THE CATHOLIC GUARDIAN SOCIETY, the CITY OF NEW YORK and the STATE OF NEW YORK,

Defendants.

ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: MAR 13 2008

Upon the Certification of Alfredo a Johannes, Esq., certified on the 11th day of March, 2008, the affidavit of Naomi Johannes sworn to the 4th day of March, 2008 and upon the copy of the amended complaint annexed hereto, it is

ORDERED, that the above named defendants show cause before a motion term of this Court, at Room 20C of the States Courthouse, 500 Pearl Street, in the City, County and State of New York, on 8th day of ^{April} 2008 at 4 in the after noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the defendants, their agents, minions and employees during the pendency of this action from

- (1) preventing Plaintiff from returning to her home at 1462 Minford Place, Bronx, New York.

- (2) from threatening to remove the infants plaintiffs child from their home at 1462 Minford Place, Bronx, New York in retaliation for plaintiffs' return to her home
- (3) threatening Plaintiff for her refusal to engage in the fraudulent practice of applying for funds and/or assistance to secure a place of residence when she already has a home and
- (4) threatening Plaintiff for refusal to submit to a psychological examination; and
- (5) prohibiting family members of the infant plaintiffs from visiting said infants and prohibiting the infant plaintiffs from enjoying a normal family relationship with other members of their family without probable cause and without court order; and it is further

ORDERED that, sufficient reason having been shown therefore, pending the hearing of plaintiffs application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the defendants is temporarily restrained and enjoined from:

Continuing the proceedings in the Family Court Bronx, County and/or any attempting to enforce any order issued and/or arising out of the proceedings in the Family Court including but not limited to threatening to remove the infants from their home 1462 Minford Place, Bronx, New York.

✓ ORDERED that security in the amount of \$ _____ be posted by the plaintiff prior to March 21, 2008, at 12 o'clock in the noon of that day; and it is further

✓ ORDERED that personal service of a copy of this order and annexed affidavit upon the defendants or their respective counsel on or before 3 pm o'clock in the afternoon, March 21, 2008 shall be deemed good and sufficient service thereof.

DATED: New York, New York

ISSUED: March 13, 2008 5⁴⁵ M


Paul J. Scully
United States District Judge